

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BRIGHT RESPONSE, LLC

§
§
§
§

vs.

CASE NO. 2:07-CV-371-CE

GOOGLE, INC., ET AL.

VERDICT FORM

QUESTION NO. 1:

Do you find that Bright Response has proven, by a preponderance of the evidence, that Google AdWords infringes claims 30, 31, and 33 of U.S. Patent No. 6,411,947 ("the '947 patent")?

Answer "Yes" or "No" for each claim:

	Literal Infringement?	Infringement under the Doctrine of Equivalents?
Claim 30:	<u>NO</u>	<u>NO</u>
Claim 31:	<u>NO</u>	<u>NO</u>
Claim 33:	<u>NO</u>	<u>NO</u>

QUESTION NO. 2:

Do you find that Bright Response has proven, by a preponderance of the evidence, that Yahoo Sponsored Search infringes claims 30, 31, and 33 of U.S. Patent No. 6,411,947 ("the '947 patent")?

Answer "Yes" or "No" for each claim:

	Literal Infringement?	Infringement under the Doctrine of Equivalents?
Claim 30:	<u>NO</u>	<u>NO</u>
Claim 31:	<u>NO</u>	<u>NO</u>
Claim 33:	<u>NO</u>	<u>NO</u>

QUESTION NO. 3

Do you find that Google and Yahoo have proven, by clear and convincing evidence, that any of the following claims of the '947 patent are invalid for the following reasons? "Yes" means the claims are invalid, and "No" means the claims are not invalid.

A. Because it is was in public use or on sale before April 3, 1996?

Answer "Yes" or "No" for each claim.

Claim 30: Yes

Claim 31: Yes

Claim 33: Yes

B. Because it is rendered obvious by the prior art?

Answer "Yes" or "No" for each claim.

Claim 30: Yes

Claim 31: Yes

Claim 33: Yes

C. Because it lacks a sufficient written description?

Answer "Yes" or "No" for each claim.

Claim 30: Yes

Claim 31: Yes

Claim 33: Yes

QUESTION NO. 4

Do you find that Google and Yahoo have proven, by clear and convincing evidence, that the '947 patent is invalid because of improper inventorship? "Yes" means the patent is invalid, and "No" means the patent is not invalid.

Answer:

Yes

If you have found that Google has infringed any of the claims and those claims are valid (i.e., you have answered “yes” to any of the claims in question number 1, “no” to all three sections of question number 3 for the corresponding claim, and “no” to question number 4), then answer question number 5. Otherwise, do not answer the following question; instead, proceed to Question No. 6.

QUESTION NO. 5:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the plaintiff as a reasonable royalty for any infringement by Google you have found?

Answer in dollars and cents, if any, for a reasonable royalty.

Answer: _____

You have heard testimony regarding a “running royalty, which is a royalty determined by the amount of use of the purported invention over time. You have also heard testimony regarding a “lump sum paid up royalty,” which is a fixed amount paid to the patent holder regardless of the amount of use of the purported invention over time. If you have awarded reasonable royalty damages above, is that award based on a “running royalty” or a “lump sum paid up royalty”?

Answer “running royalty” or “lump sum paid up royalty”:

Answer: _____

If you have found that Yahoo has infringed any of the claims and those claims are valid (i.e., you have answered “yes” to any of the claims in question number 2, “no” to all three sections of question number 3 for the corresponding claim, and “no” to question number 4), then answer question number 6. Otherwise, do not answer the following question; the jury foreperson should instead sign and date this Verdict Form and return it to the Security Officer.

QUESTION NO. 6:

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate the plaintiff as a reasonable royalty for any infringement by Yahoo you have found?

Answer in dollars and cents, if any, for a reasonable royalty.

Answer: _____

You have heard testimony regarding a “running royalty, which is a royalty determined by the amount of use of the purported invention over time. You have also heard testimony regarding a “lump sum paid up royalty,” which is a fixed amount paid to the patent holder regardless of the amount of use of the purported invention over time. If you have awarded reasonable royalty damages above, is that award based on a “running royalty” or a “lump sum paid up royalty”?

Answer “running royalty” or “lump sum paid up royalty”:

Answer: _____